

11

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

POPULAR, INC.,

No. 05-5934

Plaintiff

v.

DEBBIE PASTRANA d/b/a
POPULAR CASH EXPRESS and
POPULAR, INC. d/b/a
POPULAR CASH EXPRESS

Defendants

FILED

MAR 8 2006

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

PERMANENT INJUNCTION AND FINAL ORDER

Upon consideration of the Settlement Agreement and Consent to Permanent Injunction, and this Court being fully aware of the premises, the Court makes the following findings of fact and conclusions of law:

1. This Court has jurisdiction over the Plaintiff, Popular, Inc., and Defendants Debbie Pastrana d/b/a Popular Cash Express and Popular, Inc. d/b/a Popular Cash Express (hereinafter collectively referred to as "Defendants"), and the Subject Matter of this action.

2. The Plaintiff has represented as true and accurate that it is the owner of the distinctive trademarks indexed as Exhibit "A" hereto and herinafter referred to as the "Popular Trademarks". The Plaintiff has represented that the registrations are valid and subsisting and are conclusive proof of Popular's rights to the marks noted.

3. Defendants stipulate and agree to entry of a Permanent Injunction forever enjoining Defendants from the sale, offer for sale, advertising, promotion, marketing, or distribution of any check cashing products or services, in conjunction with or bearing

unauthorized simulations, reproductions, counterfeits, copies, or colorable imitations of any of the Popular Trademarks or bearing a design or image which is of a substantially similar appearance to any of the Popular Trademarks.

In view of the foregoing:

IT IS ORDERED AND ADJUDGED that a Permanent Injunction is entered as to Defendants, pursuant to Fed. R. Civ. P. 65, within sixty (60) days from the date of this final order, enjoining Defendants, its agents, servants, employees and attorneys and those persons in active concert or participation with them who receive actual notice of this Order by personal service:

A. From further infringing the Popular Trademarks by selling, marketing, offering for sale, advertising, promoting, or displaying any check cashing products or services not authorized by Popular in conjunction with or bearing any simulation, reproduction, counterfeit, copy, or colorable imitation of the Popular Trademarks, including, utilizing any business cards, written or visual advertisements, drawings, World Wide Web pages, pamphlets, flyers, or related visual work which bear any of the Popular Trademarks;

B. Using any simulation, reproduction, counterfeit, copy, or colorable imitation of any of the Popular Trademarks in connection with the promotion, advertisement, display, sale, or offering for sale any check cashing products or services in such fashion as to relate or connect, or tend to relate or connect, such services to Popular;

C. Constituting any infringement of any of the Popular Trademarks or of Popular's rights in, or to use or to exploit, said Popular Trademarks, or constituting any dilution of any of Popular's names, reputations, or goodwill;

D. Effecting assignment or transfers, forming new entities or associations for the purpose of circumventing or otherwise avoiding the prohibitions set forth in subparagraphs A through D.

It is further ORDERED AND ADJUDGED,

That this Court shall retain jurisdiction of this action for purposes of enforcing the provisions of the Permanent Injunction and Final Order by way of contempt or otherwise. Defendants agree not to contest the validity of any of the Popular Trademarks in any such proceedings.

It is further ORDERED AND ADJUDGED,

That the parties waive appeal of this Permanent Injunction and Final Order.

It is further ORDERED AND ADJUDGED,

That this Permanent Injunction and Final Order shall operate as a final judgment as to Defendants.

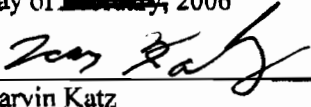
It is further ORDERED AND ADJUDGED,

That this Permanent Injunction shall take effect within sixty (60) days of the date of the Final Order.

It is further ORDERED AND ADJUDGED,

That each party to this Permanent Injunction and Final Order shall bear its own attorney's fees and costs of this action.

Dated this 8th day of ~~February~~ ^{March}, 2006


Marvin Katz
United States District Judge

3/8/06 Nailed
M. Tully
M. Halek
J. Portner

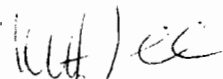
Serial #	Registration #	Mark	Class	Reg. Date
78363840	2962409	TICKETPOP	041	June 14, 2005
78226709	2924234	PRIVATE RESOURCE	036	February 1, 2005
78226228	2883237	AQUI TE PRESTAMOS ATENCION	036	September 7, 2004
78246309	2883294	ID POPULAR	036	September 7, 2004
76546756	2876870	POPULAR CHECK PROTECT	036	August 24, 2004
78112888	2858774	POPULAR E-CHECK	036	June 29, 2004
76315073	2816082	PREMIA	036	February 24, 2004
78115489	2811720	AHORA TU BANCO TE PREMIA	036	February 3, 2004
78165470	2799384	POPULAR ROTH IRA	036	December 23, 2003
76377980	2713092	PRIVILEGIOS CORPORATIVOS	036	May 6, 2003
76377982	2710974	PLAZAPOP.COM	036	April 29, 2003
76377981	2710973	PLAZAPOP	036	April 29, 2003
78124307	2681406	EASY ACCESS MONEY MARKET	036	January 28, 2003
75830241	2643468	POPULAR POINTS	036	October 29, 2002
75835076	2625665	POPULAR INSURANCE	036	September 24, 2002
78010099	2592967	POPULAR MONEY	036	July 9, 2002
78010096	2592966	POPULAR SAVINGS	036	July 9, 2002
78010093	2592965	POPULAR INTEREST	036	July 9, 2002
75875238	2592330	TELENOMINA POPULAR	036	June 25, 2002
75875240	2586022	TELEPAGO POPULAR	036	June 11, 2002
75840318	2579517	POPULAR NET	036	May 7, 2002
76065253	2566700	POPULAR CHECKING	036	April 23, 2002
78010094	2564662	POPULAR INVESTOR	036	February 5, 2002
75887155	2535513	QUE FACIL SE TE DIO	036	January 29, 2002
75887157	2533443	BPFR POPULAR ASSET MANAGEMENT	036	January 1, 2002
76004318	2524258	AHORRO A TODA HORA	036	November 13, 2001
75785181	2507800	BPFR POPULAR INSURANCE	036	November 13, 2001
75770245	2507770	POPULAR STREET	036	November 11, 2001
75887150	2486962	TELEPRESTAMO POPULAR	036	September 11, 2001
76004316	2477662	CUENTA POPULAR	036	August 14, 2001
76004313	2475459	ATH POP	036	August 7, 2001
76004315	2467524	MULTICUENTA POPULAR	036	July 10, 2001
76004317	2467525	FLEXICUENTA	036	July 10, 2001
76004314	2467523	FLEXICUENTA DE NEGOCIOS	036	July 10, 2001
75887151	2465322	TELEBANCO POPULAR	036	July 3, 2001

76065723	2455371	ARRENDAMOS SOLUCIONES	036	May 29, 2001
75720502	2453913	HAY UN BANCO QUE PIENSA EN TI	036	May 22, 2001
75720500	2453912	ESTE ES TU BANCO	036	May 22, 2001
75887156	2442402	BPFR POPULAR SECURITIES	036	April 10, 2001
75789464	2405873	BPFR POPULAR FINANCE	036	November 21, 2000
75697652	2399448	CLUB POPULAR	036	October 31, 2000
75236177	2378341	POPULAR BANK OF FLORIDA	036	August 22, 2000
75797478	2372878	ATH	036	August 1, 2000
75480691	2363673	BPFR POPULAR CASH EXPRESS	036	January 25, 2000
75470098	2310619	ENVIA ATH A TODA HORA	036	January 25, 2000
75228784	2236397	BPFR POPULAR LEASING	036	April 6, 1999
74734358	2084693	POPULAR PREMIER	036	July 29, 1997
74476430	1932203	WE BANK ON YOUR DREAMS	036	October 31, 1995
74462335	1882478	BANCO POPULAR	036	December 13, 1994
74057180	1816122	POPULAR PLUS	036	January 11, 1994
74257381	1790661	ATH A TODA HORA	036	August 31, 1993
73802032	1610074	EXPRESO POPULAR	036	August 14, 1990
73005662	1008477	BPFR	036	April 8, 1975
73005660	1006473	IDEAL	036	March 14, 1975
78150364	2991584	POPULAR	036	September 6, 2005

CERTIFICATE OF SERVICE

I, Keith Lee, Esquire hereby certify that on February 21, 2006 a true and correct copy of the foregoing ORDER OF DISMISSAL was served via first class mail upon the following:

Christy M. Adams, Esquire
Law Offices of Christy Adams
1601 Sansom Street, Suite 2C
Philadelphia, PA 19103



KEITH LEE, ESQUIRE